

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PATRICK BLACKSHIRE,
Plaintiff,
v.
THE HAUGE, *et al.*,
Defendants.

Case No. 2:23-cv-00531-KJM-JDP (PS)

ORDER

HOLDING THE FEBRUARY 5, 2024
FINDINGS AND RECOMMENDATIONS IN
ABEYANCE, GRANTING PLAINTIFF'S
MOTION FOR AN EXTENSION OF TIME,
AND DENYING HIS MOTION FOR A
HEARING

ECF Nos. 8 & 9

RESPONSE DUE WITHIN FOURTEEN
DAYS

On November 8, 2023, I screened plaintiff's complaint and notified him that it did not state a claim. ECF No. 5. I granted him thirty days to file an amended complaint. After plaintiff failed to file an amended complaint, on January 12, 2024, I ordered him to show cause why this action should not be dismissed. ECF No. 7. I notified him that if he wished to continue with this action he must, within fourteen days, file an amended complaint. I warned him that failure to do so would result in a recommendation that this action be dismissed. *Id.* On February 5, 2024, after the court had not received a response from plaintiff, I issued findings and recommendations that this action be dismissed for plaintiff's failure to prosecute and failure to comply with court

orders. ECF No. 9. However, on that same day, plaintiff's first amended complaint, motion for an extension of time, and request for a hearing was entered onto the docket. *See* ECF No. 8.

In light of this, I will hold the February 5, 2024 findings and recommendations in abeyance and grant plaintiff fourteen days to file either an amended complaint or a notice of his intent to proceed on his most recent filing. While plaintiff labeled his filing as an amended complaint, he also seeks an extension to review relevant issues. *See* ECF No. 8 at 1. Out of an abundance of caution, plaintiff is granted fourteen days to file either an amended complaint or a notice indicating that he intends to proceed on his filing at ECF No. 8.

Additionally, plaintiff requests a hearing "involving the main defendants Sacramento County, and Sac Co Sheriff." *Id.* I will deny this motion since neither of these defendants have been served and there is no need to conduct a hearing at this point.

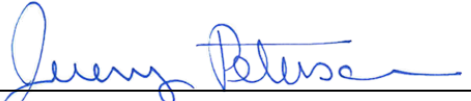
Should plaintiff fail to file an amended complaint or a notice indicating that he wishes to proceed with his filing at ECF No. 8, I will submit the February 5, 2024, findings and recommendations to the district judge for consideration.

Accordingly, it is hereby ORDERED that:

1. The February 5, 2024 findings and recommendations, ECF No. 9, are held in abeyance.
2. Plaintiff's motion for an extension of time, ECF No. 8, is granted.
3. Plaintiff shall file within fourteen days either an amended complaint or a notice that he wishes the court to screen his filing at ECF No. 8.
4. Plaintiff's request for a hearing, ECF No. 8, is denied.
5. Should plaintiff fail to comply with this order, the February 5, 2024 findings and recommendations will be submitted to the district judge for consideration.

IT IS SO ORDERED.

Dated: February 23, 2024


JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE